

REMARKS

Reconsideration and allowance are respectfully requested. Claims 1-3, 5-7, 9-12, 14-20 and 22-24 remain pending.

Claims 1-3, 5-7, 9, 18-20 and 22-24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Worhach et al. in view of Elliott and claims 10-12 and 14-17 stand rejected as being unpatentable over Worhach et al. in view of Elliott and further in view of Puri. These rejections are respectfully traversed.

With regard to claim 1, the claim recites the steps of prioritizing the identified solutions by running the model for each of the identified solutions and selecting a proposed solution from among the prioritized, identified solutions. Worhach et al. do not teach or suggest prioritizing identified solutions. Worhach et al. merely compare an aqueous process to a no-clean process in terms of energy and waste generation. There is simply no prioritizing of the Worhach et al. processes.

With regard to claim 10, Worhach et al. do not teach or suggest a sales offer to a customer, but relates to predicting and evaluating environmental characteristics of a production system. The result of the modeling of Worhach et al. is to optimize the parameters of a system for limited environmental impact, not to sell a subset of electronics assembly equipment to a customer. Thus, one would not look to Puri to modify Worhach et al. since there is no suggestion to offer anything for sale in Worhach et al. “Teachings of references can be combined only if there is some suggestion or incentive to do so.” In re Fine, 5 USPQ2d 1596,1600 (Fed. Cir. 1988) (quoting ACS Hosp. Sys. v. Montefiore Hosp., 221 USPQ 929, 933 (Fed. Cir. 1984)) (emphasis in original).

Furthermore, each independent claim 1, 10 and 18 recites that the modeling occurs within approximately one half hour. The Examiner admits that Worhach et al. do not appear to explicitly teach this feature. The Examiner cites Elliott as teaching an automated fixture builder system that reduces time to build a fixture down to about 15-30 minutes and contends that it would have been obvious to “perform the method of Worhach et al to model an electronics assembly system within one half hour, because

the modelling (sic) in a fast manner would permit faster turnaround in the consulting process ...”. Applicant contends that one of ordinary skill in the electronics assembly art would not look to Elliott to modify Worhach et al. in the manner suggested by the Examiner since Elliott is directed to an automated fixture builder system for holding automobile parts for welding and is not within the field of the inventor’s endeavor, namely providing modeling of an electronics assembly system. Elliott is not reasonably pertinent to the particular problem with which the inventor was involved, namely modeling, in real time, an electronics assembly system with a customer present. Elliott provides no disclosure or suggestion of modeling an electronics assembly system within approximately a one half hour time frame as claimed, but merely states the time to build a fixture is reduced, and as such is non-analogous art. In re Wood, 202 USPQ 171, 174 (CCPA 1979). As noted by the MPEP § 2141.01 (a), page 2100-122, the differences in structure and function of the inventions carry great weight in determining that a reference is not analogous art.

Applicant submits that just because Elliot teaches that a fixture can be built in 15-30 minutes this teaching does not suggest that the Worhach et al. electronics assembly can be modeled in such a time frame. What the Examiner has inappropriately done is to find a statement in a patent (Elliot) that a procedure can be performed in 15-30 minutes and to take that statement, which is applicable only to the invention of Elliot, and establish obviousness in a completely different environment.

For reasons set forth above, the Examiner’s rejections are improper and should be withdrawn.

All objections and rejections having been addressed, it is respectfully submitted that this application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



Frank J. Nuzzi
Registration No. 42,944
Attorney for Applicant
Tel. No. (732) 321-3002

CUSTOMER NO. 28524